101-505

WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS

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Public Law 101-505
101st Congress

Joint Resolution

Nov. 3, 1990
[H.J. Res. 520]

Granting the consent of Congress to amendments to the Washington Metropolitan Area Transit Regulation Compact

Whereas the Commonwealth of Virginia, the State of Maryland, and the Commissioners of the District of Columbia entered into and executed the Washington Metropolitan Area Transit Regulation Compact on December 22, 1960;

Whereas Congress gave its consent under Public Law 86-794 (74 Stat. 1031) to the entry into the Compact by the Commonwealth of Virginia and the State of Maryland, and authorized and directed the Commissioners of the District of Columbia to enter into and execute the Compact on behalf of the United States for the District of Columbia;

Whereas Congress gave its consent under Public Law 87-767 (76 Stat. 764) to the Commonwealth of Virginia and the State of Maryland to effectuate certain amendments to the Compact, and authorized and directed the Commissioners of the District of Columbia to effectuate those amendments on behalf of the United States for the District of Columbia;

Whereas the Washington Metropolitan Area Transit Regulation Compact Review Committee, a review committee appointed by the signatories to the Compact, has recommended that the Compact be amended; and

Whereas the Commonwealth of Virginia, the State of Maryland, and the District of Columbia have adopted identical amendments to the Compact: Now, therefore, be it

State listing.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.—The consent of Congress is hereby given to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to effectuate the amendments to the Washington Metropolitan Area Transit Regulation Compact adopted by such States and the District under which the Compact is amended to read as follows:

"TITLE I

"GENERAL COMPACT PROVISIONS

"ARTICLE I

"There is created the Washington Metropolitan Area Transit District, referred to as the Metropolitan District, which shall include: the District of Columbia; the cities of Alexandria and Falls Church of the Commonwealth of Virginia; Arlington County and Fairfax County of the Commonwealth of Virginia, the political subdivisions located within those counties, and that portion of

Loudoun County, Virginia, occupied by the Washington Dulles International Airport; Montgomery County and Prince George's County of the State of Maryland, and the political subdivisions located within those counties; and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of those counties, cities, and airports.

"ARTICLE II

"1. The signatories hereby create the 'Washington Metropolitan Area Transit Commission', hereafter called the 'Commission', which shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, and shall have the powers and duties set forth in the Compact and those additional powers and duties conferred upon it by subsequent action of the signatories.

"2. The Commission shall have jurisdiction coextensive with the Metropolitan District for the regulation of passenger transportation within the Metropolitan District on a coordinated basis, without regard to political boundaries within the Metropolitan District, as set forth in this Compact.

"ARTICLE III

"1. (a) The Commission shall be composed of three members, one member appointed by the Governor of Virginia from the State Corporation Commission of the Commonwealth of Virginia, one member appointed by the Governor of Maryland from the Maryland Public Service Commission, and one member appointed by the Mayor of the District of Columbia from the Public Service Commission of the District of Columbia.

"(b) A member appointed shall serve for a term coincident with the term of that member on the agency of the signatory, and a member may be removed or suspended from office as the law of the appointing signatory provides.

"(c) Vacancies shall be filled for an unexpired term in the same manner as an original appointment.

"2. A person in the employment of or holding an official relation to a person or company subject to the jurisdiction of the Commission or having an interest of any nature in a person or company or affiliate or associate thereof, may not hold the office of Commissioner or serve as an employee of the Commission or have any power or duty or receive any compensation in relation to the Commission.

"3. (a) The Commission shall select a chairman from among its members.

"(b) The chairman shall be responsible for the Commission's work and shall have all powers to discharge that duty.

"4. A signatory may pay the Commissioner from its jurisdiction the salary or expenses, if any, that it considers appropriate.

"5. (a) The Commission may employ engineering, technical, legal, clerical, and other personnel on a regular, part-time, or consulting basis to assist in the discharge of its functions.

"(b) The Commission is not bound by any statute or regulation of a signatory in the employment or discharge of an officer or employee of the Commission, except that contained in this Compact.

"6. The Commission shall establish its office at a location to be determined by the Commission within the Metropolitan District and shall publish rules and regulations governing the conduct of its operations.

"ARTICLE IV

"1. (a) The signatories shall bear the expenses of the Commission in the manner set forth here.

"(b) The Commission shall submit to the Governor of Virginia, the Governor of Maryland, and the Mayor of the District of Columbia, when requested, a budget of its requirements for the period required by the laws of the signatories for presentation to the legislature.

"(c) The Commission shall allocate its expenses among the signatories in the proportion that the population of each signatory within the Metropolitan District bears to the total population of the Metropolitan District.

"(d)(i) The Commission shall base its allocation on the latest available population statistics of the Bureau of the Census; or

"(ii) If current population data are not available, the Commission may, upon the request of a signatory, employ estimates of population prepared in a manner approved by the Commission and by the signatory making the request.

"(e) The Governors of the two states and the Mayor of the District of Columbia shall approve the allocation made by the Commission.

"2. (a) The signatories shall appropriate their proportion of the budget for the expenses of the Commission and shall pay that appropriation to the Commission.

"(b) The budget of the Commission and the appropriations of the signatories may not include a sum for the payment of salaries or expenses of the Commissioners.

"(c) The provisions of section 2.1-30 (1979) of the Code of Virginia do not apply to any official or employee of the Commonwealth of Virginia acting or performing services under this Act.

"3. (a) If the Commission requests and a signatory makes available personnel, services, or material which the Commission would otherwise have to employ or purchase, the Commission shall—

"(i) determine an amount and

"(ii) reduce the expenses allocable to a signatory.

"(b) If any services in kind are rendered, the Commission shall return to the signatory an amount equivalent to the savings to the Commission represented by the contribution in kind.

"4. (a) The Commission shall have the power to establish fees under regulations, including but not limited to filing fees and annual fees.

"(b) The Commission shall return to the signatories fees established by it in proportion to the share of the Commission's expenses borne by each signatory in the fiscal year during which the fees were collected.

Records.

"5. (a) The Commission shall keep accurate books of account, showing in full its receipts and disbursements.

"(b) The books of account shall be open for inspection by representatives of the respective signatories at any reasonable time.

"ARTICLE V

"1. An action by the Commission may not be effective unless a majority of the members concur.

"2. An order entered by the Commission under the provisions of Title II of this Act which affects operations or matters solely intrastate or solely within the District of Columbia may not be effective unless the Commissioner from the affected signatory concurs.

"3. Two members of the Commission are a quorum.

"4. The Commission may delegate by regulation the tasks that it considers appropriate.

"ARTICLE VI

"This Compact does not amend, alter, or affect the power of the signatories and their political subdivisions to levy and collect taxes on the property or income of any person or company subject to this Act or upon any material, equipment, or supplies purchased by that person or company or to levy, assess, and collect franchise or other similar taxes, or fees for the licensing of vehicles and their operation.

"ARTICLE VII

"This amended Compact shall become effective 90 days after the signatories adopt it. Effective date.

"ARTICLE VIII

"1. (a) This Compact may be amended from time to time without the prior consent or approval of the Congress of the United States and any amendment shall be effective unless, within one year, the Congress disapproves that amendment.

"(b) An amendment may not be effective unless adopted by each of the signatories.

"2. (a) A signatory may withdraw from the Compact upon written notice to the other signatories.

"(b) In the event of a withdrawal, the Compact shall be terminated at the end of the Commission's next full fiscal year following the notice.

"3. Upon the termination of this Compact, the jurisdiction over the matters and persons covered by this Act shall revert to the signatories and the federal government, as their interests may appear, and the applicable laws of the signatories and the federal government shall be reactivated without further legislation.

"ARTICLE IX

"Each of the signatories pledges to each of the other signatories faithful cooperation in the regulation of passenger transportation within the Metropolitan District and agrees to enact any necessary legislation to achieve the objectives of the Compact for the mutual benefit of the citizens living in the Metropolitan District.

"ARTICLE X

"1. If a provision of this Act or its application to any person or circumstance is held invalid in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of

this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

"2. In accordance with the ordinary rules for construction of interstate compacts, this Act shall be liberally construed to effectuate its purposes.

"TITLE II

"COMPACT REGULATORY PROVISIONS

"ARTICLE XI

"1. This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District, including but not limited to—

"(a) as to interstate and foreign commerce, transportation performed over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District if—

"(i) the majority of passengers transported over that regular route are transported between points within the Metropolitan District; and

"(ii) that regular route is authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission; and

"(b) the rates, charges, regulations, and minimum insurance requirements for taxicabs and other vehicles that perform a bona fide taxicab service, where the taxicab or other vehicle—

"(i) has a seating capacity of 9 persons or less, including the driver; and

"(ii) provides transportation from one signatory to another within the Metropolitan District.

"2. Solely for the purposes of this section and section 18 of this Article—

"(a) the Metropolitan District shall include that portion of Anne Arundel County, Maryland, occupied by the Baltimore-Washington International Airport; and

"(b) jurisdiction of the Commission shall apply to taxicab rates, charges, regulations, and minimum insurance requirements for interstate transportation between the Baltimore-Washington International Airport and other points in the Metropolitan District, unless conducted by a taxicab licensed by the State of Maryland or a political subdivision of the State of Maryland, or operated under a contract with the State of Maryland.

"3. Excluded from the application of this Act are—

"(a) transportation by water, air, or rail;

"(b) transportation performed by the federal government, the signatories to this Compact, or any political subdivision of the signatories;

"(c) transportation performed by the Washington Metropolitan Area Transit Authority;

"(d) transportation by a motor vehicle employed solely in transporting teachers and school children through grade 12 to or from public or private schools;

"(e) transportation performed over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District, including transportation between those points on the regular route that are within the Metropolitan District, if—

"(i) the majority of passengers transported over the regular route are not transported between points in the Metropolitan District; and

"(ii) the regular route is authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission;

"(f) matters other than rates, charges, regulations, and minimum insurance requirements relating to vehicles and operations described in Sections 1(b) and 2 of this Article;

"(g) transportation solely within the Commonwealth of Virginia and the activities of persons performing that transportation; and

"(h) the exercise of any power or the discharge of any duty conferred or imposed upon the State Corporation Commission of the Commonwealth of Virginia by the Virginia Constitution.

"Definitions

"4. In this Act the following words have the meanings indicated:

"(a) 'Carrier' means a person who engages in the transportation of passengers by motor vehicle or other form or means of conveyance for hire.

"(b) 'Motor vehicle' means an automobile, bus, or other vehicle propelled or drawn by mechanical or electrical power on the public streets or highways of the Metropolitan District and used for the transportation of passengers.

"(c) 'Person' means an individual, firm, copartnership, corporation, company, association or joint stock association, and includes a trustee, receiver, assignee, or personal representative of them.

"(d) 'Taxicab' means a motor vehicle for hire (other than a vehicle operated under a Certificate of Authority issued by the Commission) having a seating capacity of 9 persons or less, including the driver, used to accept or solicit passengers along the public streets for transportation.

"General Duties of Carriers

"5. Each authorized carrier shall—

"(a) provide safe and adequate transportation service, equipment, and facilities; and

"(b) observe and enforce Commission regulations established under this Act.

"Certificates of Authority

"6. (a) A person may not engage in transportation subject to this Act unless there is in force a 'Certificate of Authority' issued by the Commission authorizing the person to engage in that transportation.

"(b) On the effective date of this Act a person engaged in transportation subject to this Act under an existing 'Certificate of Public

Convenience and Necessity' or order issued by the Commission shall be issued a new 'Certificate of Authority' within 120 days after the effective date of this amendment.

"(c)(i) Pending issuance of the new Certificate of Authority, the continuance of operations shall be permitted under an existing certificate or order issued by the Commission which will continue in effect on the effective date of this Act.

"(ii) The operations described in paragraph (i) of this subsection shall be performed according to the rates, regulations, and practices of the certificate holder on file with the Commission on the effective date of this Act.

"7. (a) When an application is made under this section for a Certificate of Authority, the Commission shall issue a certificate to any qualified applicant, authorizing all or any part of the transportation covered by the application, if it finds that—

"(i) the applicant is fit, willing, and able to perform that transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

"(ii) that the transportation is consistent with the public interest.

"(b) If the Commission finds that the requirements of subsection (a) of this section have not been met, the application shall be denied by the Commission.

"(c) The Commission shall act upon applications under this Act as soon as possible.

"(d) The Commission may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest.

"(e) A term, condition, or limitation imposed by the Commission may not restrict the right of a carrier to add to equipment and facilities over the routes or within the territory specified in the certificate, as business development and public demand may require.

"(f) A person applying for or holding a Certificate of Authority shall comply with Commission regulations regarding maintenance of a surety bond, insurance policy, self-insurance qualification, or other security or agreement in an amount that the Commission may require to pay any final judgment against a carrier for bodily injury or death of a person, or for loss or damage to property of another, resulting from the operation, maintenance, or use of a motor vehicle or other equipment in performing transportation subject to this Act.

"(g) A Certificate of Authority is not valid unless the holder is in compliance with the insurance requirements of the Commission.

"8. Application to the Commission for a certificate under this Act shall be—

"(a) made in writing;

"(b) verified; and

"(c) in the form and with the information that the Commission regulations require.

"9. (a) A Certificate of Authority issued by the Commission shall specify the route over which a regularly scheduled commuter service or other regular-route service will operate.

"(b) A certificate issued by the Commission authorizing irregular-route service shall be coextensive with the Metropolitan District.

"(c) A carrier subject to this Act may not provide any passenger transportation for hire on an individual fare paying basis in com-

petition with an existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority, notwithstanding any Certificate of Authority.

"(d) A certificate for the transportation of passengers may include authority to transport newspapers, passenger baggage, express, or mail in the same vehicle, or to transport passenger baggage in a separate vehicle.

"10. (a) Certificates shall be effective from the date specified on them and shall remain in effect until amended, suspended, or terminated.

"(b) Upon application by the holder of a certificate, the Commission may suspend, amend, or terminate the Certificate of Authority.

"(c) Upon complaint or the Commission's own initiative, the Commission, after notice and hearing, may suspend or revoke all or part of any Certificate of Authority for willful failure to comply with—

"(i) a provision of this Act;

"(ii) an order, rule, or regulation of the Commission; or

"(iii) a term, condition, or limitation of the certificate.

"(d) The Commission may direct that a carrier cease an operation conducted under a certificate if the Commission finds the operation, after notice and hearing, to be inconsistent with the public interest.

"11. (a) A person may not transfer a Certificate of Authority unless the Commission approves the transfer as consistent with the public interest.

"(b) A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority.

"12. (a) A carrier may not abandon any scheduled commuter service operated under a Certificate of Authority issued to the carrier under this Act, unless the Commission authorizes the carrier to do so by a Commission order.

"(b) Upon application by a carrier, the Commission shall issue an order, after notice and hearing, if it finds that abandonment of the route is consistent with the public interest.

"(c) The Commission, by regulation or otherwise, may authorize the temporary suspension of a route if it is consistent with the public interest.

"(d) As long as the carrier has an opportunity to earn a reasonable return in all its operations, the fact that a carrier is operating a service at a loss will not, of itself, determine the question of whether abandonment of service is consistent with the public interest.

"13. (a) When the Commission finds that there is an immediate need for service that is not available, the Commission may grant temporary authority for that service without a hearing or other proceeding up to a maximum of 180 consecutive days, unless suspended or revoked for good cause.

"(b) A grant of temporary authority does not create any presumption that permanent authority will be granted at a later date.

"Rates and Tariffs

"14. (a) Each carrier shall file with the Commission, publish, and keep available for public inspection tariffs showing—

"(i) fixed-rates and fixed-fares for transportation subject to this Act; and

"(ii) practices and regulations including those affecting rates and fares, required by the Commission.

"(b) Each effective tariff shall—

"(i) remain in effect for at least 60 days from its effective date, unless the Commission orders otherwise; and

"(ii) be published and kept available for public inspection in the form and manner prescribed by the Commission.

"(c) A carrier may not charge a rate or fare for transportation subject to this Act other than the applicable rate or fare specified in a tariff filed by the carrier under this Act and in effect at the time.

"15. (a) A carrier proposing to change a rate, fare, regulation, or practice specified in an effective tariff shall file a tariff showing the change in the form and manner, and with the information, justification, notice, and supporting material prescribed by the Commission.

"(b) Each tariff filed under Subsection (a) of this Section shall state a date on which the tariff shall take effect, which shall be at least 7 calendar days after the date on which the tariff is filed, unless the Commission orders an earlier effective date or rejects the tariff.

"(c)(i) A tariff filed for approval with the Commission may be refused acceptance for filing if it is not consistent with this Act and Commission regulations.

"(ii) A tariff refused for filing shall be void.

"16. (a) The Commission may hold a hearing upon complaint or upon the Commission's own initiative after reasonable notice to determine whether a rate, fare, regulation, or practice relating to a tariff is unjust, unreasonable, unduly discriminatory, or unduly preferential between classes of riders or between locations within the Metropolitan District.

"(b) Within 120 days of the hearing, the Commission shall pass an order prescribing the lawful rate, fare, regulation, or practice, or affirming the tariff.

"Through Routes, Joint Fares

"17. With the approval of the Commission, any carrier subject to this Act may establish through routes and joint fares with any other lawfully authorized carrier.

"Taxicab Fares

"18. (a) The Commission shall prescribe reasonable rates for transportation by taxicab, only when—

"(i) the trip is between a point in the jurisdiction of one signatory and a point in the jurisdiction of another signatory; and

"(ii) both points are within the Metropolitan District.

"(b) The fare or charge for taxicab transportation may be calculated on a mileage basis, a zone basis, or on any other basis approved by the Commission.

"(c) The Commission may not require the installation of a taximeter in any taxicab when a taximeter is not permitted or required by the jurisdiction licensing and otherwise regulating the operation and service of the taxicab.

"(d) A person licensed by a signatory to own or operate a taxicab shall comply with Commission regulations regarding maintenance of a surety bond, insurance policy, self-insurance qualification, or other security or agreement in an amount that the Commission may require to pay a final judgment for bodily injury or death of a person, or for loss or damage to property of another, resulting from the operation, maintenance, or use of a taxicab in performing transportation subject to this Act.

"ARTICLE XII

"Accounts, Records, and Reports

"1. (a) The Commission may prescribe that any carrier subject to this Act—

"(i) submit special reports and annual or other periodic reports;

"(ii) make reports in a form and manner required by the Commission;

"(iii) provide a detailed answer to any question about which the Commission requires information;

"(iv) submit reports and answers under oath; and

"(v) keep accounts, records, and memoranda of its activity, including movement of traffic and receipt and expenditure of money in a form and for a period required by the Commission.

"(b) The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.

"(c) This section shall apply to any person controlling, controlled by, or under common control with a carrier subject to this Act, whether or not that person otherwise is subject to this Act.

"(d) A carrier that has its principal office outside of the Metropolitan District and operates both inside and outside of the Metropolitan District may keep all accounts, records, and memoranda at its principal office, but the carrier shall produce those materials before the Commission when directed by the Commission.

"(e) This section does not relieve a carrier from recordkeeping or reporting obligations imposed by a state or federal agency or regulatory commission for transportation service rendered outside the Metropolitan District.

"Issuance of Securities

"2. This Act does not impair any authority of the federal government and the signatories to regulate the issuance of securities by a carrier.

"Consolidations, Mergers, and Acquisition of Control

"3. (a) A carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to—

"(i) consolidate or merge any part of the ownership, management, or operation of its property or franchise with a carrier that operates in the Metropolitan District;

"(ii) purchase, lease, or contract to operate a substantial part of the property or franchise of another carrier that operates in the Metropolitan District; or

"(iii) acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means.

"(b) Application for Commission approval of a transaction under this Section shall be made in the form and with the information that the regulations of the Commission require.

"(c) If the Commission finds, after notice and hearing, that the proposed transaction is consistent with the public interest, the Commission shall pass an order authorizing the transaction.

"(d) Pending determination of an application filed under this section, the Commission may grant 'temporary approval' without a hearing or other proceeding up to a maximum of 180 consecutive days if the Commission determines that grant to be consistent with the public interest.

"ARTICLE XIII

"Investigations by the Commission and Complaints

"1. (a) A person may file a written complaint with the Commission regarding anything done or omitted by a person in violation of a provision of this Act, or in violation of a requirement established under it.

"(b)(i) If the respondent does not satisfy the complaint and the facts suggest that there are reasonable grounds for an investigation, the Commission shall investigate the matter.

"(ii) If the Commission determines that a complaint does not state facts which warrant action, the Commission may dismiss the complaint without hearing.

"(iii) The Commission shall notify a respondent that a complaint has been filed at least 10 days before a hearing is set on the complaint.

"(c) The Commission may investigate on its own motion a fact, condition, practice, or matter to—

"(i) determine whether a person has violated or will violate a provision of this Act or a rule, regulation, or order;

"(ii) enforce the provisions of this Act or prescribe or enforce rules or regulations under it; or

"(iii) obtain information to recommend further legislation.

"(d) If, after hearing, the Commission finds that a respondent has violated a provision of this Act or any requirement established under it, the Commission shall—

"(i) issue an order to compel the respondent to comply with this Act; and

"(ii) effect other just and reasonable relief.

"(e) For the purpose of an investigation or other proceeding under this Act, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.

"Hearings; Rules of Procedure

"2. (a) Hearings under this Act shall be held before the Commission, and records shall be kept.

"(b) Rules of practice and procedure adopted by the Commission shall govern all hearings, investigations, and proceedings under this Act, but the Commission may apply the technical rules of evidence when appropriate.

"Administrative Powers of Commission; Rules, Regulations, and Orders

"(3). (a) The Commission shall perform any act, and prescribe, issue, make, amend, or rescind any order, rule, or regulation that it finds necessary to carry out the provisions of this Act.

"(b) The rules and regulations of the Commission shall prescribe the form of any statement, declaration, application, or report filed with the Commission, the information it shall contain, and the time of filing.

"(c) The rules and regulations of the Commission shall be effective 30 days after publication in the manner which the Commission shall prescribe, unless a different date is specified. Effective date.

"(d) Orders of the Commission shall be effective on the date and in the manner which the Commission shall prescribe.

"(e) For the purposes of its rules and regulations, the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for them.

"(f) Commission rules and regulations shall be available for public inspection during reasonable business hours.

"Reconsideration of Orders

"4. (a) A party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration.

"(b) The Commission shall grant or deny the application within 30 days after it has been filed.

"(c) If the Commission does not grant or deny the application by order within 30 days, the application shall be deemed denied.

"(d) If the application is granted, the Commission shall rescind, modify, or affirm its order or decision with or without a hearing, after giving notice to all parties.

"(e) Filing an application for reconsideration may not act as a stay upon the execution of a Commission order or decision, or any part of it unless the Commission orders otherwise.

"(f) An appeal may not be taken from an order or decision of the Commission until an application for reconsideration has been filed and determined.

"(g) Only an error specified as a ground for reconsideration may be used as a ground for judicial review.

"Judicial Review

"5. (a) Any party to a proceeding under this Act may obtain a review of the Commission's order in the United States Court of

Appeals for the Fourth Circuit, or in the United States Court of Appeals for the District of Columbia Circuit, by filing within 60 days after Commission determination of an application for reconsideration, a written petition praying that the order of the Commission be modified or set aside.

Records.

"(b) A copy of the petition shall be delivered to the office of the Commission and the Commission shall certify and file with the court a transcript of the record upon which the Commission order was entered.

Courts.

"(c) The Court shall have exclusive jurisdiction to affirm, modify, remand for reconsideration, or set aside the Commission's order.

"(d) The court's judgment shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in Title 28 U.S.C. sections 1254 and 2350.

"(e) The commencement of proceedings under subsection (a) of this section may not operate as a stay of the Commission's order unless specifically ordered by the court.

"(f) The Commission and its members, officers, agents, employees, or representatives are not liable to suit or action or for any judgment or decree for damages, loss, or injury resulting from action taken under the Act, nor required in any case arising on any appeal taken under this Act to make a deposit, pay costs, or pay for service to the clerks of a court or to the marshal of the United States or give a supersedeas bond or security for damages.

"Enforcement of Act; Penalty for Violations

"6. (a) Whenever the Commission determines that a person is engaged or will engage in an act or practice which violates a provision of this Act or a rule, regulation, or order under it, the Commission may bring an action in the United States District Court in the district in which the person resides or conducts business or in which the violation occurred to enjoin the act or practice and to enforce compliance with this Act or a rule, regulation, or order under it.

"(b) If the court makes a determination under subsection (a) of this section, that a person has violated or will violate this Act or a rule, regulation, or order under the Act, the court shall grant a permanent or temporary injunction or decree or restraining order without bond.

"(c) Upon application of the Commission, the United States District Court for the district in which the person resides or conducts business, or in which the violation occurred, shall have jurisdiction to issue an order directing that person to comply with the provisions of this Act or a rule, regulation, or order of the Commission under it, and to effect other just and reasonable relief.

"(d) The Commission may employ attorneys necessary for—

"(i) The conduct of its work;

"(ii) Representation of the public interest in Commission investigations, cases, or proceedings on the Commission's own initiative or upon complaint; or

"(iii) Representation of the Commission in any court case.

"(e) The expenses of employing an attorney shall be paid out of the funds of the Commission, unless otherwise directed by the court.

"(f)(i) A person who knowingly and willfully violates a provision of this Act, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil

forfeiture of not more than $1,000 for the first violation and not more than $5,000 for any subsequent violation.

"(ii) Each day of the violation shall constitute a separate violation.

"(iii) Civil forfeitures shall be paid to the Commission with interest as assessed by the court.

"(iv) The Commission shall pay to each signatory a share of the civil forfeitures and interest equal to the proportional share of the Commission's expenses borne by each signatory in the fiscal year during which the civil forfeiture is collected by the Commission.

"ARTICLE XIV

"Expenses of Investigations and Other Proceedings

"1. (a) A carrier shall bear all expenses of an investigation or other proceeding conducted by the Commission concerning the carrier, and all litigation expenses, including appeals, arising from an investigation or other proceeding.

"(b) When the Commission initiates an investigation or other proceeding, the Commission may require the carrier to pay to the Commission a sum estimated to cover the expenses that will be incurred under this section.

"(c) Money paid by the carrier shall be deposited in the name and to the credit of the Commission, in any bank or other depository located in the Metropolitan District designated by the Commission, and the Commission may disburse that money to defray expenses of the investigation, proceeding, or litigation in question.

"(d) The Commission shall return to the carrier any unexpended balance remaining after payment of expenses.

"Applicability of Other Laws

"2. (a) The applicability of each law, rule, regulation, or order of a signatory relating to transportation subject to this Act shall be suspended on the effective date of this Act.

"(b) The provisions of subsection (a) of this section do not apply to a law of a signatory relating to inspection of equipment and facilities.

"(c) During the existence of the Compact, the jurisdiction of the Interstate Commerce Commission is suspended to the extent it is in conflict with the provisions of this Act.

"Existing Rules, Regulations, Orders, and Decisions

"3. All Commission rules, regulations, orders, or decisions that are in force on the effective date of this Act shall remain in effect and be enforceable under this Act, unless otherwise provided by the Commission.

"Pending Actions or Proceedings

"4. A suit, action, or other judicial proceeding commenced prior to the effective date of this Act by or against the Commission is not affected by the enactment of this Act and shall be prosecuted and determined under the law applicable at the time the proceeding was commenced.

"Annual Report of the Commission

"5. The Commission shall make an annual report for each fiscal year ending June 30, to the Governor of Virginia and the Governor of Maryland, and to the Mayor of the District of Columbia as soon as practicable after June 30, but no later than the first day of January of each year, which may contain, in addition to a report of the work performed under this Act, other information and recommendations concerning passenger transportation within the Metropolitan District as the Commission considers advisable.".

SEC. 2. Notwithstanding the first section of this joint resolution, the consent and approval of Congress set forth in such first section is given on the express condition that section 1 of article VIII shall not be exercised, and no amendment to the compact following the date this joint resolution becomes law shall be effective, unless Congress has first consented to and approved such amendment by a law or resolution adopted or enacted after such date.

SEC. 3. The right to alter, amend or repeal this resolution is hereby expressly reserved.

Approved November 3, 1990.

LEGISLATIVE HISTORY—H.J. Res. 520:

HOUSE REPORTS: No. 101-504 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 136 (1990):
June 5, considered and passed House.
Sept. 27, considered and passed Senate, amended.
Oct. 15, House concurred in Senate amendments.

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